

REMARKS

Reconsideration and allowance of this Application are respectfully requested in light of the foregoing amendment and the following remarks.

CLAIMS

Claims 1-16 have been cancelled. Applicants apologize for retaining claims 1-16 in this divisional application. Such claims are currently being prosecuted in patent application 09/348,693. Accordingly, the cancellation of claims 1-16 avoids the previous rejections of these claims.

Claim 17 has been amended to conform to U.S. practice.

New claim 21 is supported at least at step 94 of FIG. 2 as well as at page 9, lines 16-22.

Claims 17-21 are pending in the Application.

Claims 17-20 stand rejected as follows:

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Chipman et al (US 6,292,894), and further in view of Henson(US 6,167,383).

The Office Action Position

The Office Action alleges that Povilus substantially discloses the claimed invention, including a buyer, multiple catalog databases (see Fig. 15 showing product database 253 and electronic catalog 256 with links to other databases showing pricing and availability – see also col. 17, lines 46-50), a catalog database containing unique catalog items identified with respect to class, attribute and value relationships, and an item selection procedure.

The Office Action admits that Povilus fails to teach a procedure that searches for an item in a second database when it is not in a first database (page 10, lines 11-13).

The Office Action also alleges that Chipman teaches an Internet-based cataloguing system which includes multiple catalogues, each categorized by standard class, attribute and method parameters (col. 4, lines 9-21) and that legacy databases are used as master databases to provide product data to build a web page, which is then transferred to a web server for Internet access by potential customers. In addition, the Office Action alleges that the system taught by Chipman includes means to search additional databases, such as the legacy master databases, for further information when adequate information is not found through an initial search of the catalog portal (col. 10, lines 21-49). The Office Action further alleges that the combination of Povilus's catalog publishing system with the teaching of Chipman regarding searching through additional catalogues if a primary catalog does not fulfill the search request, would have been obvious and there would have been motivation to combine these references to provide a means for a customer to locate an item and increase sales for the suppliers of the catalogues.

Applicant's Response

Applicants respectfully traverse.

Applicants agree with the Examiner that Povilus fails to teach a procedure that searches for an item in a second database when it is not in a first database.

Contrary to the allegation of the Office Action, however, Chipman does not teach searching through additional catalogues if a first, i.e., primary, catalog does not fulfill a search request (page 10, last line through page 11, first line). Chipman only teaches "Legacy databases 406 may store additional data ... which describe in greater detail supplier 105's products and/or services. Supplier 105 may make this additional information available For example, when further information [is] not found or in addition to information found on pages 410, the web server receiving the request

may forward the request to legacy database 406 from where the requested information is accessed.”
(col. 10, lines 39-49).

Thus, Chipman only teaches a legacy database being accessed for “further information not found or in addition to information found” about known products and services contained in a first catalog database and not, as recited by instant claim 17, in a second catalog database having each unique catalog item stored with respect to class, attribute and value relationships. That is, Chipman teaches retrieving detailed descriptive information from legacy databases about known items contained in a web-based catalog (a first catalog) whereas instant claim 17 recites a first and second catalog and an item selection procedure which relies on the second catalog having each unique catalog item identified with respect to class, attribute and value relationship in order to search for the desired item within the second catalog database when the item is not located, i.e., not known, within the first catalog database. In Chipman, the item is known in the first catalog but the legacy database provides additional information about such known item.

Further, unlike present claim 17 (which recites a second catalog database having unique items identified by class, attribute, and value relationships), Chipman is silent concerning the way in which the legacy databases are organized, i.e., how the legacy databases (characterized by the Office Action as additional databases or additional catalogues) identify each unique item and, most importantly, Chipman is silent about how the system taught by Chipman responds when a desired item is not found in a web-based catalog, i.e., a first catalog. In fact, Chipman explicitly teaches a “Web Crawler 205 that periodically scans the Web for pages ... and pages 209 are retrieved and parsed in Web Crawler 205 ... and the parsed pages 208 are stored in knowledge base 206 for indexing ... in an ordered manner (via class, attribute, and method information) [so that] a variety of different searches may be

performed on the stored information.” That is, Chipman is teaching a combined index created from one or more legacy databases that are used as master databases to provide product data to build a web page, which is then transferred to a web server for Internet access by potential customers. Thus, for a given portal, Chipman teaches that there is no need to search a second index (additional database in the parlance of the Office Action) of item information accessible from that portal (col. 8, line 42 - col. 9, line 52) when a desired item is not found in the portal index because there is only one such index for a portal. Chipman teaches that legacy databases only provide detailed information concerning items contained in, i.e., located within, the portal's index. Therefore searching a legacy database for an item not found in the first index (first catalog) is not going to provide information concerning items which are not located in the first catalog (because the legacy database does not contain such information) but at most is only going to possibly provide more detailed information concerning items which are located in the first index (first catalog). Therefore, a legacy database as taught by Chipman cannot function as a second catalog and there would have been no motivation to combine the teaching of Chipman with the teaching of Povilus to achieve the invention of instant claims 17-21.

Henson, does not cure these deficiencies of Povilus and Chipman with regard to searching a second catalog for an item not located in a first catalog or with regard to the way in which unique catalog items are stored within a second catalog, allegedly a legacy database according to the Office Action.

Therefore, in view of the above discussion, neither Povilus nor Chipman, either together or in combination with Henson, can be relevant prior art for the present invention which recites a procurement system for a buyer to purchase a desired item by searching in a second catalog database

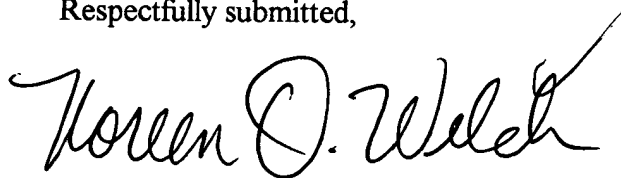
when the desired item is not located in a first catalog database of known items, the second catalog database storing each unique item identified with respect to class, attribute, and value relationships (instant independent claim 17). Therefore, the rejection does not establish a *prima facie* case of obviousness and should be withdrawn, claim 17 is allowable and claims 18-21, dependent therefrom are allowable for at least this reason.

Conclusion

In view of the foregoing amendment and remarks, all stated rejections of the Office Action have been overcome and this Application is in condition for allowance. Early notice to that effect is earnestly solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned at the local, Washington D.C. telephone number listed below.

Respectfully submitted,



Noreen O. Welch
Registration No. 45,208

Date: November 20, 2002

NOW/att

ATTORNEY DOCKET NO. TPP31401A

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, NW, Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387

Telephone: (202) 785-0100
Facsimile: (202) 408-5200

EXHIBIT I - Version of Claims Showing Changes Made

IN THE CLAIMS:

Please amend claim 1 to read as follows:

1. (Amended) A procurement system for [purchasing a desired item] a buyer to purchase a desired item, comprising:
[a buyer;]
a first catalog database accessible to said buyer lacking said desired item;
a second catalog database, wherein each unique catalog item stored within said second catalog is identified with respect to class, attribute, and value relationships; and
an item selection procedure, said procedure relying on said relationships to search for the desired item within said second database when it is not located within said first database.